



This document is scheduled to be published in the Federal Register on 09/05/2013 and available online at <http://federalregister.gov/a/2013-21521>, and on FDsys.gov

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0168]

[Docket 2013-0077; Sequence 6]

Federal Acquisition Regulation;

Information Collection; American Recovery and Reinvestment Act-

Reporting Requirements – One-Time Reporting, Compensation Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension, with changes, to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat, will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning the American Recovery and Reinvestment Act-Reporting Requirements – One Time-Reporting, Compensation Requirements.

DATES: Submit comments on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Submit comments identified by **Information Collection 9000-0168, American Recovery and Reinvestment**

Act-Reporting Requirements – One Time-Reporting,

Compensation Requirements, by any of the following methods:

- Regulations.gov: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0168, American Recovery and Reinvestment Act-Reporting Requirements – One Time-Reporting, Compensation Requirements". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0168, American Recovery and Reinvestment Act-Reporting Requirements – One Time-Reporting, Compensation Requirements" on your attached document.
- Fax: 202-501-4067.
- Mail: General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW, Washington, DC 20405. ATTN: Hada Flowers/IC 9000-0168, American Recovery and Reinvestment Act-Reporting Requirements – One Time-Reporting, Compensation Requirements.

Instructions: Please submit comments only and cite Information Collection 9000-0168, American Recovery and Reinvestment Act-Reporting Requirements – One Time-

Reporting, Compensation Requirements, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, Acquisition Policy Division, at telephone 202-501-1448 or via e-mail to Curtis.glover@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

In accordance with Federal Acquisition Regulation (FAR) subpart 4.15 and the applicable clause at FAR 52.204-11, which implements the statutory requirements section 1512(c) of Division A of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (Recovery Act), as a condition of receipt of funds, contractors that receive awards (or modifications to existing awards) funded, in whole or in part by the Recovery Act, shall include the one-time reporting element for which the burden is imposed on certain prime contractors and first-tier subcontractors to publicly disclose the names and total compensation of each of the contractor's or first-tier subcontractor's five

most highly compensated officers, for the calendar year in which the award was made.

While Section 1512(c)(4) of the Recovery Act requires reporting on all Federal Funding Accountability and Transparency Act (FFATA) data elements, including the compensation information, it limits the prime contractor's reporting responsibility to first tier subcontractors that meet the applicability requirements. The FAR clause requires this compensation disclosure for prime contractors as well as first-tier subcontractors. Excluding prime contractors while requiring disclosure for first-tier subcontractors would be unsupportable given the transparency goals of both FFATA and the Recovery Act. There are likely to be some prime contractors that already provide public access to the compensation of senior executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986. There are also likely to be some first-tier subcontractors that do not meet the revenue thresholds for applicability.

B. Annual Reporting Burden

This information collection reflects a downward adjustment from what was published in the Federal Register on September 24, 2010, at 75 FR 58387, for the number of respondents required to comply with the requirements of FAR subpart 4.15 and the associated FAR clause at 52.204-11, American Recovery and Reinvestment Act—Reporting Requirements. This change is primarily a result of the lower amount of Recovery Act funds available for award.

In Fiscal Year (FY) 2010, the Federal Procurement Data System (FPDS) indicated that there were 33,041 Recovery Act prime contract awards, including modifications (21,767 awarded to small businesses), to 8896 unique vendors. In FY 2012, FPDS indicates that there were 6,312 Recovery Act prime contract awards, including modifications (3,156 awarded to small businesses), to 2,247 unique vendors. This change represents a decrease of approximately 75 percent from FY 2010. The number of first-tier subcontractors estimated to participate in Recovery Act awards is 4,494. This was derived by estimating two first-tier subcontractors for each prime contractor. It was determined that the FY 2012 FPDS data regarding the number of unique vendors combined with the assumption of two first-tier subcontractors for each prime contractor was a

sufficient baseline for estimating the number of respondents (prime contractors and first-tier subcontractors) that would need to comply with the applicable clause associated with this information collection (6,741).

In discussions with subject matter experts, it was also determined that an estimated number of responses per respondent of two, rounded down from 2.8, was sufficient to reflect the lower number of Recovery Act funds available for award. Additionally, it is estimated that the burden hours per response is three-hours (3.0), which reflects no change from what was published in the Federal Register on September 24, 2010, at 75 FR 58387. No public comments were received in prior years that have challenged the validity of the Government's estimate.

Respondents: 6,741.

Responses Per Respondent: 2.0.

Total Annual Responses: 13,482.

Hours Per Response: 3.0.

Total Burden Hours: 40,446.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will

have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

OBTAINING COPIES OF PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW, Washington, DC 20405, telephone 202-501-4755. Please cite OMB Control No. 9000-0168, American Recovery and Reinvestment Act-Reporting Requirements – One-Time Reporting, Compensation Requirements, in all correspondence.

Dated: August 29, 2013.

Karlos Morgan,
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Office of Government-wide Policy.

[Billing Code: 6820-EP]

[FR Doc. 2013-21521 Filed 09/04/2013 at 8:45 am; Publication Date:
09/05/2013]